

# Notice of Allowability

Application No.

09/444,359

Examiner

Tu X. Nguyen

Applicant(s)

GILLESPIE ET AL.

Art Unit

2618

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/19/07.
2. ☒ The allowed claim(s) is/are 1,8-17,20 and 24-42.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

please enter  
TN

**REMARKS/ARGUMENTS**

Prior to entry of this Amendment, the application included claims 1, 8-17, 20 and 24-42. No claims have been amended, canceled or added. Hence, after entry of this Amendment, claims 1, 8-17, 20 and 24-42 stand pending for examination.

Claims 1, 8-17, 20 and 24-42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the cited portions of U.S. Patent No. 6,233,448 to Alperovich et al. ("Alperovich") in view of the cited portions of U.S. Patent No. 6,049,711 to Ben-Yehezkel et al. ("Ben-Yehezkel").

**Rejections Under 35 U.S.C. § 103(a)**

The Applicants respectfully transverse the rejection of all claims under 35 U.S.C. § 103(a) because the cited references do not teach or suggest all of the claim elements and the cited references could not be successfully combined to produce the Applicants' claimed invention.

The Office Action correctly states that Alperovich does not teach or suggest "wherein the specification defines a geographic region having a predetermined radius from a current location of the subscriber that changes dynamically as the current location changes" as recited in claims 1 and 17. But Ben-Yahezkel also does not teach or suggest this. Ben-Yahezkel appears to teach providing information services to requesting users (Abstract). In one example, a user may request traffic reports or points of interest for the area around the vehicle, which may be a specific radius and direction (col. 4, ll. 10-35). This does not teach or suggest "wherein the specification defines a geographic region having a predetermined radius from a current location of the subscriber that changes dynamically as the current location changes."

Ben-Yahezkel appears to be a request-response system: it provides information in response to user requests. It does not process information requests according to user-defined rules. A dynamically-changing radius, therefore, has no applicability to the Ben-Yahezkel

## **DETAILED ACTION**

### ***Allowable Subject Matter***

Claim 1, 8-17, 20 and 24-42 are allowed.

The following is an examiner's statement of reasons for allowance: \*\*\*.

Regarding independent claims 1 and 17, it is allowed for the reasons as stated in applicant's response filed on 9/19/07.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

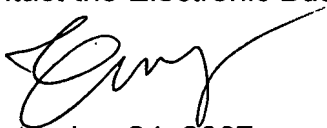
### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is 571-272-7883.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'Ging' or similar, written in a cursive style.

September 24, 2007